

which individuals serving in the marine industry, or their employers, are associated.

Vessel owned in the United States means any vessel documented or numbered under the laws of the United States; and any vessel owned by a citizen of the United States that is not documented or numbered by any nation.

[CGD 86-067, 53 FR 47079, Nov. 21, 1988; 53 FR 48367, Nov. 30, 1988, as amended by CGD 90-014, 56 FR 31033, July 8, 1991; CGD 90-053, 58 FR 31107, May 28, 1993; CGD 93-051, 59 FR 28792, June 3, 1994; 59 FR 62226, Dec. 2, 1994; CGD 91-223, 60 FR 4525, Jan. 23, 1995]

Subpart B—Required Chemical Testing

§ 16.201 Application.

(a) Chemical testing of personnel must be conducted as required by this subpart.

(b) If an individual fails a chemical test for dangerous drugs under this part, the individual will be presumed to be a user of dangerous drugs.

(c) If an individual holding a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual's employer or prospective employer shall report the test results in writing to the nearest Coast Guard Officer in Charge, Marine Inspection (OCMI). The individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as practicable and shall be subject to suspension and revocation proceedings against his or her license, certificate of registry, or merchant mariner's document under 46 CFR part 5.

(d) If an individual who does not hold a license, certificate of registry, or merchant mariner's document fails a chemical test for dangerous drugs, the individual shall be denied employment as a crewmember or removed from duties which directly affect the safe operation of the vessel as soon as possible.

(e) An individual who has failed a required chemical test for dangerous drugs may not be reemployed aboard a vessel until the requirements of

§ 16.370(d) of this part and 46 CFR part 5, if applicable, have been satisfied.

[CGD 86-607, 53 FR 47049, November 11, 1988, as amended by CGD 90-014, 56 FR 31034, July 8, 1991]

§ 16.205 Implementation of chemical testing programs.

(a) When a vessel owned in the United States is operating in waters that are not subject to the jurisdiction of the United States, the testing requirements of §§ 16.210 and 16.230 do not apply to a citizen of a foreign country engaged or employed as pilot in accordance with the laws or customs of that foreign country.

(b) Upon written request of an employer, Commandant (G-MOA) will review the employer's chemical testing program to determine compliance with the provisions of this part.

[CGD 90-014, 56 FR 60930, Nov. 30, 1991, as amended by 59 FR 62226, Dec. 2, 1994; CGD 95-072, 60 FR 50461, Sept. 29, 1995; CGD 96-041, 61 FR 50726, Sept. 27, 1996; CGD 95-028, 62 FR 51196, Sept. 30, 1997]

EFFECTIVE DATE NOTE: At 62 FR 51196, Sept. 30, 1997, § 16.205 was amended by removing paragraphs (a) through (e) and redesignating paragraphs (f) and (g) as (a) and (b), effective Oct. 30, 1997. For the convenience of the user, the superseded text is set forth as follows:

§ 16.205 Implementation of chemical testing programs.

(a) Each employer who employs more than 50 employees required to be tested under this part was required to implement the pre-employment testing program required by this part not later than July 21, 1989, and the serious marine incident and reasonable cause testing programs required by this part no later than December 21, 1989. The random testing program required by this part shall be implemented no later than October 1, 1991.

(b) Each employer who employs from 11 to 50 employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part no later than December 21, 1989. The random testing program required by this part shall be implemented no later than October 1, 1991.

(c) Each employer who employs 10 or fewer employees required to be tested under this part was required to implement the pre-employment, serious marine incident and reasonable cause testing programs required by this part no later than December 21, 1990. The random testing program required by this